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answer. For example, what was the disgraceful affair in Jackson county mentioned on p. 243? Most of us know too little of Iowa history to be able to explain such difficulties and regret that the editor, from the stores of his abundant knowledge, did not give more frequent and elucidating annotation of the text.

BERNARD C. STEINER.

The Development of Freedom of the Press in Massachusetts. By C. A. DUNIWAY. (New York: Longmans. 1906. Pp. xv, 202.)

This book is one of the many valuable contributions to constitutional and legal history, which have appeared in recent years, since the men who have won the degree of doctor of philosophy have been printing the dissertations they have prepared while graduate students, and since the publication of these dissertations has been made possible by university funds. There is manifestly a small public which is interested in such books and the enthusiasm with which a scholar pursues such an investigation, using the most scrupulous accuracy of statement and making an exhaustive examination of every possible source of information, is worthy of all praise. Too often, however, the author fails to make his work interesting to persons who are not already students of the subject, and takes too little pains to appeal to the general reader. Dr. Duniway falls somewhat under this criticism. He has given an admirably complete discussion of his subject, buttressing his text with copious footnotes, giving the text of some important illustrative documents in the Appendix, and adding a splendid bibliographical apparatus. An examination of his sources shows that he has taken the trouble to search through county court records, which are too little used by students. The book is well indexed and printed in the usual excellent manner in which are all works issued from the income of the Henry Warren Torrey Fund. The horizon of the book is also wider than is the case with many dissertations, and the author has prefaced his study of the conditions in Massachusetts with a careful chapter upon the Control of the Press in England to 1603. Yet the book is one which few will read, because it is not very easy reading. It is unsafe to assume that the general reader will know much of Massachusetts history and it is well to print with modern spelling and in full all extracts from ancient documents which are quoted in the text in order that the obsolete

abbreviations may not discourage readers. Apart from these matters there is scarcely an adverse criticism to be made on the book. A somewhat careful reading revealed no errors, save the omission of Maryland from the list of colonies in which printing was early introduced. This omission is not surprising, for it is within the last few years that the publication of the Maryland Archives has made it manifest that the Nuthead press was at work in the province shortly after 1690.

After showing that the freedom of the press is a phase of freedom of discussion, which subject also involves freedom of speech and of assembly, and tracing the English restrictions upon such freedom in the sixteenth and seventeenth century by statute, proclamation, and star chamber ordinance, Dr. Duniway takes up the discussion of the early attitude of Massachusetts toward freedom of discussion, which, by a temperate review of the cases of Roger Williams and Anne Hutchinson, he shows was an "unrecognized right." With the establishment of the first printing press in 1638, we take up the subject proper of the book. An act appointing licensers of the press was first passed in 1662, but prior to that time the colonial authorities had taken action in several cases, such as that of William Pynchon, a citizen of Springfield, who was ordered by the general court to retract the dangerous errors contained in his theological pamphlet printed in England. The general court also, as one of its measures against the Quakers, imposed a fine on anyone who imported "books concerning their devilish opinions," and even the Apostle John Eliot was condemned for using, in a book printed in England, "expressions as do too manifestly scandalize the government" of that country. From the establishing of licensing, until the loss of the first charter of the province, this "plan had worked with such admirable smoothness that no cases of disturbance of the public peace by seditious publishers are recorded for a period of twenty years." During this time, we find the establishment of the first press in Boston. An adequate sketch of the early colonial printers is given. Beginning in 1686, a period of thirty years may well be called a "laxenforcement of censorship" by the governor, for, though the censorship was abandoned in England in 1695, the instructions given to the governor of the province of Massachusetts Bay continued to contain a clause directing him to exercise this power until 1730. In 1690, the first newspaper was suppressed by the governor and council. Fourteen years later, the Boston postmaster was more successful in beginning a second one. "published

by authority." In 1695, a Quaker, Thomas Maule, published a book and was tried for alleged libels contained in it. This first libel trial in Massachusetts began a series of judicial proceedings which showed the chief restriction on the freedom of the press after the abolition of censorship. As early as 1700, no imprimatur was required and, in 1723, James Franklin and his paper, the *New England Courant*, are brought before us in the "last instance of an attempt to revive and enforce censorship." In the next year, came the conviction of John Cheekley for libel in publishing a book, probably one he had been forbidden to print five years before, in which he upheld the Episcopalian form of church government and attacked the Congregational churches. The conditions existing during the revolutionary period, which lasted from the close of the French and Indian war to the adoption of the Federal Constitution are well described, including such topics as the suppression of writings of the opposing party by both whigs and tories, and the clauses in State and Federal Constitutions with reference to freedom of the press. The last chapter is a careful and well conceived discussion of the libel trials which occurred between 1789 and the adoption of the libel law of 1827, by which it was finally enacted, as the law of the State, that the "truth of the matter contained in the publication charged as libellous," might be given as evidence in the defense and should be a justification, provided it was further made to appear that it was "published with good motives and for justifiable ends." Up to this time, this principle had been contended for in numerous cases, such as those of Abijah Adams, Clap and Buckingham, which have been brought to light by Dr. Duniway's assiduity. With the passage of this act, the "protection of a just and liberal law" was added to exemption from censorship and immunity from arbitrary prosecution, and the press became truly free in Massachusetts.

BERNARD C. STEINER.